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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,467	08/11/2005	Yingjian Liu	58260-011300	8948

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EXAMINER

SIM, YONG H

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,467

Applicant(s)

LIU ET AL.

Examiner

Yong Sim

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/11/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m). For the purpose of art rejection some of the symbols will be disregarded for a clear understanding.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 – 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2, the claim recites the limitation "the coils" in line 2, "the RX+" in line 3 and "the output terminals" in line 6. There is insufficient antecedent basis for this limitation in the claim.

With respect to claim 3, the claim recites the limitation "the TX+ terminals" in line 12 the RX+" in line 3 and "INH terminals" in line 7. There is insufficient antecedent basis for this limitation in the claim.

With respect to claim 4, the claim recites the limitation "TX+, and TX-" in lines 17 and 18. There is insufficient antecedent basis for this limitation in the claim.

With respect to claim 5, the claim recites "pin 11 and one end of a capacitor in parallel." One end of a pin and one end of a capacitor can not be formed in a parallel.

Claim 6 is a dependent claim of claim 5. Therefore, it has been analyzed and rejected same as above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Oda (US 5,646,377).**

Re claim 1, Oda teaches a wireless and passive tableting apparatus (Fig. 1 "Point detecting device") for computer inputting (100 "host computer" Fig. 1) comprising a tablet (10 "sensor panel/tablet" Fig. 1) and a pen (30 "pointing device" Fig. 1),

characterized in that nothing wires the pen (See Fig. 1) and the tablet and no battery is in the pen (See Fig. 1. The pen does not comprise a battery.), the tablet which can sense pressure from the pen (Col. 7, lines 20 – 23; “The pointing device is a pen which is constituted to vary the capacitance of the resonant circuit when the pen is pressed onto the panel/tablet.”) comprises a transmitting circuit (24 “transmitting unit/circuit” Fig. 1), a receiving circuit (25 “receiving unit/circuit” Fig. 1), an amplifying circuit (A “amplifier” Fig. 10), a phase angle and amplitude detecting circuit (Col. 17, lines 31 – 35; “The signal detecting unit processes and operates the amplitude and phase angle of the received signal.”) and an integrating circuit (Col. 25, lines 63 – 67; “a signal processing circuit generates the real number part of the aimed frequency component of the received signals by integration.” The integration circuit is within the signal processing circuit.); and the pen comprises a paralleled resonant circuit composed of capacitors and inductors (Col. 17, lines 15 – 17; “The pointing device includes a coil/inductor, capacitor and a switch. The coil and capacitor constitute a resonant circuit.” See Fig. 1. The coil and capacitor are in parallel.); the connection relations between them are as follows: an auxiliary CPU (100 “computer” fig. 1), which generates a square wave, connects with the transmitting circuit, which can transmit electromagnetic wave continuously; the pen circuit receives the electromagnetic wave transmitted from the transmitting circuit to produce a resonant signal; the resonant signal is transmitted to the receiving circuit continuously (Col. 18, line 64 – Col 19, line 5; “provide a constant received signal. A transmitter transmits a signal to the pointing device/resonant circuit and a receiver arranged at the opposite end of receives the

signal generated by the pointing device and the transmitter.), and amplified by an amplifying circuit that connects with the receiving circuit; the amplified signals is inputted into the phase angle and amplitude detecting circuit (See Fig. 20(b). Col. 25, lines 43 – 50; “the add operation is performed in a preamplifier which is a signal input section of the signal detecting unit. The added signals are properly amplified an then output to the succeeding phase detector.”), and the signals output from the phase angle and amplitude detecting circuit are inputted into a primary CPU via the integrating circuit (Fig. 21 shows an integrating circuit which is included in the processor 80 sends the signal to the computer 100).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Wieczorek (US 5,557,076).

Re claim 7, as best understood by Examiner, Oda teaches the wireless and passive tableting apparatus of claim 1, wherein, the connection relations of the paralleled resonant circuit (See Fig. 1, the circuit is in parallel) in the pen circuit are as follows: an inductor connects with a variable capacitors and the capacitors in parallel (See Fig. 1, the circuit is in parallel); the least two ends of the circuit connect with one end of a switch (Col. 17, lines 15 – 20; “the tuning circuit composed of a coil, a capacitor and a switch. A typically used cursor to vary the capacitance of the resonant circuit by pressing the switch.” The two ends must be connected to necessitate a proper function of a switch.).

But does not expressly teach the at least two end of the circuit connect with one end of a switch and one end of a resistor in series respectively, and the other end of the switch connects with the other end of the resistor to form a loop..

However, Wieczorek shows a cordless position detection apparatus wherein the comprises a resistor connected to one end of a resonant circuit, and the other end of the switch connected to the other end of the resistor to form a loop (Wieczorek: See Fig. 8).

Therefore, taking the combined teachings of Ado and Wieczorek, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of having a pen with the configuration as taught by Wieczorek in to the wireless

and passive tableting apparatus as taught by Ado to obtain a wireless and passive tableting apparatus wherein a pen comprises a resonant circuit and a resistor and a switch connected in such a way to allow the user to give the user higher security and reliability of the system (Wieczorek: Col. 9, lines 23 – 29).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Kaye et al. (Hereinafter “Kaye” US 2002/0056577 A1).

Re claim 8, Ado teaches the wireless and passive tableting apparatus of claim 1.

But does not expressly teach wherein a switch of the pen is a switch on the pen, functioning as the right button of a mouse.

However, Kaye teaches a wireless pen that communicates with the digitizer wherein the structure includes side buttons to provide the functions of left and right mouse buttons (Kaye: Para0014).

Therefore, taking the combined teachings of Ado and Kaye, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of using a pen with side buttons functioning as the right button into the tableting apparatus as taught by Ado to obtain a wireless and passive tableting apparatus wherein a pen comprises a side button functioning as the right button so that the user can control mouse functions of the host computer without having to use a mouse (Kaye: Para 0014).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Sim whose telephone number is (571) 270-1189. The examiner can normally be reached on Monday - Friday (Alternate Fridays off) 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YHS
6/10/2007

AMR A. AWAD
SUPERVISORY PATENT EXAMINER
